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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001443

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SUBJECT: ASEAN CHARTER -- INDONESIAN DEBATE HEATING UP

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: The GOI will soon submit the ASEAN Charter to the Indonesian national legislature for ratification. The government vows to press for approval, but many legislators have questioned whether Indonesia should endorse the document. They point to the Charter's relatively weak provisions on democracy and human rights, asserting that the Charter will do nothing to change the situation in Burma. Debate regarding the Charter is likely to intensify in the coming months. END SUMMARY.

#### CHARTER DEBATE ENTERS FINAL PHASE

12. (C) The Indonesian Government plans to press ahead with ratification of the ASEAN Charter before the December Bangkok Summit. (Note: December 2009--roughly one year after leaders' signed the document in Singapore--is ASEAN's self-imposed deadline for member-states to endorse the document.) The GOI will formally submit the Charter to the House of Representatives (DPR) when the latter returns from recess in mid-August. Foreign Minister Wirajuda has met informally with key DPR members to press for ratification. The DPR's Commission I, responsible for foreign affairs and defense, has already held a number of hearings to solicit public views. Academics, NGO leaders and foreign policy experts have all testified, and many have raised serious concerns about the Charter, as reviewed below.

#### OPPONENTS HAVE QUESTIONS

13. (C) Opponents continue to question whether Indonesia should ratify the Charter in its current form. Key DPR members and foreign affairs commentators, the latter especially centered around the Center for Strategic and International Studies, a key think-tank, have voiced criticism of the Charter. Their objections center on three key issues:

-- (1) The Charter is not sufficiently democratic. While it purports to turn ASEAN into a "people-driven" organization, the Charter remains an "elite-driven" document.

-- (2) The Charter's provisions calling for democracy and human rights are too weak to bring about change in ASEAN's

most problematic members, especially Burma.

-- (3) The Charter contains no mechanism to monitor and enforce any of its provisions, especially those regarding democracy and human rights.

These critics say that Indonesia, as ASEAN's largest democracy, has a special obligation to promote its democratic/human rights values in the organization.

¶4. (C) Political parties have begun to stake out positions on the charter. Golkar, which backs President Yudhoyono and is the largest party in the DPR, has endorsed ratification. The Indonesian Democratic Party of Struggle (PDI-P), the leading opposition party and second-largest in the DPR, has rejected the Charter. The DPR's many other parties--including those which are Islamic-oriented--continue to debate the issue.

¶5. (C) Indonesian critics have also pointed to the ongoing Preah Vihear dispute between Cambodia and Thailand as a critical test for ASEAN. If the organization cannot resolve this issue quickly, skepticism about ASEAN integration is likely to grow.

¶6. (C) In the meantime, Singapore PM Lee Hsien Loong's recent comments chiding ASEAN members who have not ratified the Charter seemed to harden opposition views here. (Note: The Indonesian press gave prominent coverage to PM Lee's statement that ASEAN integration should not be held up by a

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few members who "had problems" ratifying the Charter.)

¶7. (C) Indonesian legislators--who are allergic to criticism in any form from the Singaporean side--reacted sharply to the Singapore PM's comments. Djoko Susilo, a key DPR leader on Burma issues, said Indonesian lawmakers were "offended" by Lee's comments. He vowed that the DPR would not bow to Singaporean pressure. Fellow legislator Abdillah Toha echoed Susilo's comments. He said that the DPR was a "real parliament," unlike its counterpart in Singapore that did whatever the government told them to do. Susilo told poloff that the PM Lee's comments had caught the attention of DPR members who previously did not pay much attention to the issue. When asked why, he responded: "he (Lee) insulted our democracy." (Note: The DPR has held up ratifying a defense cooperation agreement with Singapore largely--it would seem--out of flat-out distrust of the country.)

#### CLASHING VIEWS

¶8. (C) The Charter debate exposes two different ways that Indonesians think about ASEAN. Department of Foreign Affairs (DEPLU) officials stress ASEAN's role promoting peace and security in Southeast Asia. They also emphasize the economic potential of ASEAN becoming a single integrated market. However, they remain cautious about ASEAN dealing with domestic issues like human rights or member-states' political systems. Critics acknowledge these points, but argue that Indonesia's domestic values of democracy and respect for human rights must motivate the country's foreign policy.

¶9. (C) These differences have led to some sharp exchanges. At a recent panel discussion attended by poloff, leading CSIS scholar Rizal Sukma challenged DEPLU's number-two official Secretary General Imron Cotan on the Charter's democracy provisions. Sukma asked how Indonesia, as a democracy, could Indonesia support a Charter that did not embody the country's own values? Cotan acknowledged the importance of democracy in Indonesia, but said that it had no obligation to "export" democracy to its ASEAN neighbors.

¶10. (C) The debate also reveals differences between legislators and the executive branch. DEPLU officials have told us that Indonesia must ratify the Charter because

President Yudhoyono and other senior leaders have promised their ASEAN counterparts that Indonesia will do so. For them, the issue is primarily one of meeting an international commitment. While not unmindful of the international dimension, DPR members are looking closer to home. Susilo told poloff that he hears regularly from democracy and human rights NGOs on the issue. They urge the DPR to take a firm line on the charter. "I have to represent them," he told poloff.

UPCOMING TIMEFRAME IS KEY

11. (C) The next three months will be critical. The DPR will again go into recess in Q-November. Legislators must ratify the charter before then in order to meet ASEAN's deadline. Indonesia's 2009 elections may also have an effect. As DPR members increasingly focus on their own reelection, they are likely to devote less time to getting through their legislative agenda. As flagged above, the Charter review could become a bit of a donnybrook between Indonesia's parliament--which is increasingly taking an assertive role--versus the Executive Branch. Most observers believe the GOI will eventually win this one, but that it will be a tough slog.

HUME